

0.071 mW/cm<sup>2</sup>. This represents approximately 3 percent of the ANSI C95.1-1982 guideline of 2.39 mW/cm<sup>2</sup> at 716 MHz.

The applicant has also applied for an LPTV Construction Permit on Channel 38 in Lebanon, where a similar Bogner B16UA antenna is proposed. The Channel 38 antenna is proposed to be mounted on the 30-ft tower below the Channel 55 antenna. In the event of Commission approval of both applications, a similar approach for the Channel 38 antenna is provided. The proposed Center of Radiation of the Channel 38 antenna would be (45-7) or 38 feet above head height on the roof. A value for the near-field Vertical Plane shape factor of 0.25 is assumed and a far-field Effective Radiated Power of 28,156 visual watts and 2816 aural watts is assumed. Using the same procedure as in the Channel 55 case, an adjusted EPA Power Density of 0.22 mW/cm<sup>2</sup> is obtained. This represents approximately 10.7 percent of the ANSI guideline value of 2.05 mW/cm<sup>2</sup> for the Channel 38 frequency of 614 MHz.

Adding the two percentages of ANSI allowable electromagnetic radiation cases for Channel 55 and Channel 38 yields approximately 13.7 percent of the ANSI standard. It can be seen that no radiation hazard will exist on the building roof at head height below the antenna, even with these cautious assumptions. A conservative estimate for the real-world Vertical Plane shape factor in the near-field region on the building roof for both antennas may possibly exceed 0.25, but the slant range was fixed for both antennas. Near the edge of the roof the near-field Vertical Plane shape factor may possibly increase in value but the inverse square of the slant range would become significantly smaller. Rather than assuming the far-field Effective Radiated Power value (at the -2 degree depression angle), it has been your affiant's experience\*/ that the real-world

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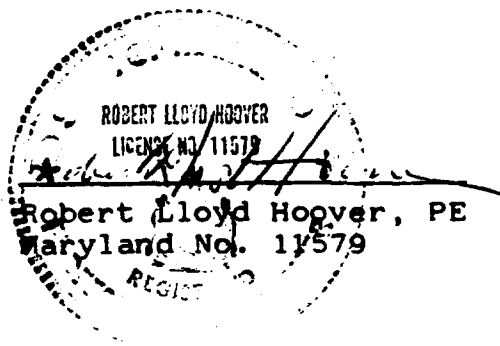
\*/ For example, in February 1979 your affiant prepared a deposition for officials of the City of Winston-Salem, North Carolina that predicted the power density using near-field theory for WGNN-TV that would operate with 1500 kW from its antenna mounted on a 30-ft pedestal on top of the Wachovia National Bank Building. Later measurements after WGNN-TV was built confirmed that the predictions were within 10 percent of the measured values. In 1981, your affiant prepared a similar deposition for officials of Multnomah County, Oregon, on behalf of KRLK Broadcasting Corp. In the intervening years a number of predictions and corresponding measurements have been made by your affiant confirming that the power density as would be predicted for the near-field region using the appropriate near-field approach yields power density values generally less than predicted by far-field theory.

Power Density value in such a near-field region would be considerable less and approximately equal to the sum of the Power Densities obtained at head height on the roof from each individual slot or radiator of the antenna, with the Antenna Input Power divided between each such slot or radiator. The final Power Density result is considerable less than this rough approach indicates, but the analysis is rather detailed.

IV. SUMMARY

Raystay Company requests a Construction Permit for a new Low Power Television facility on Channel 55 with precise Zero Frequency Offset in Lebanon, Pennsylvania. The application is in full compliance with the Commission's final rules concerning Low Power Television stations.

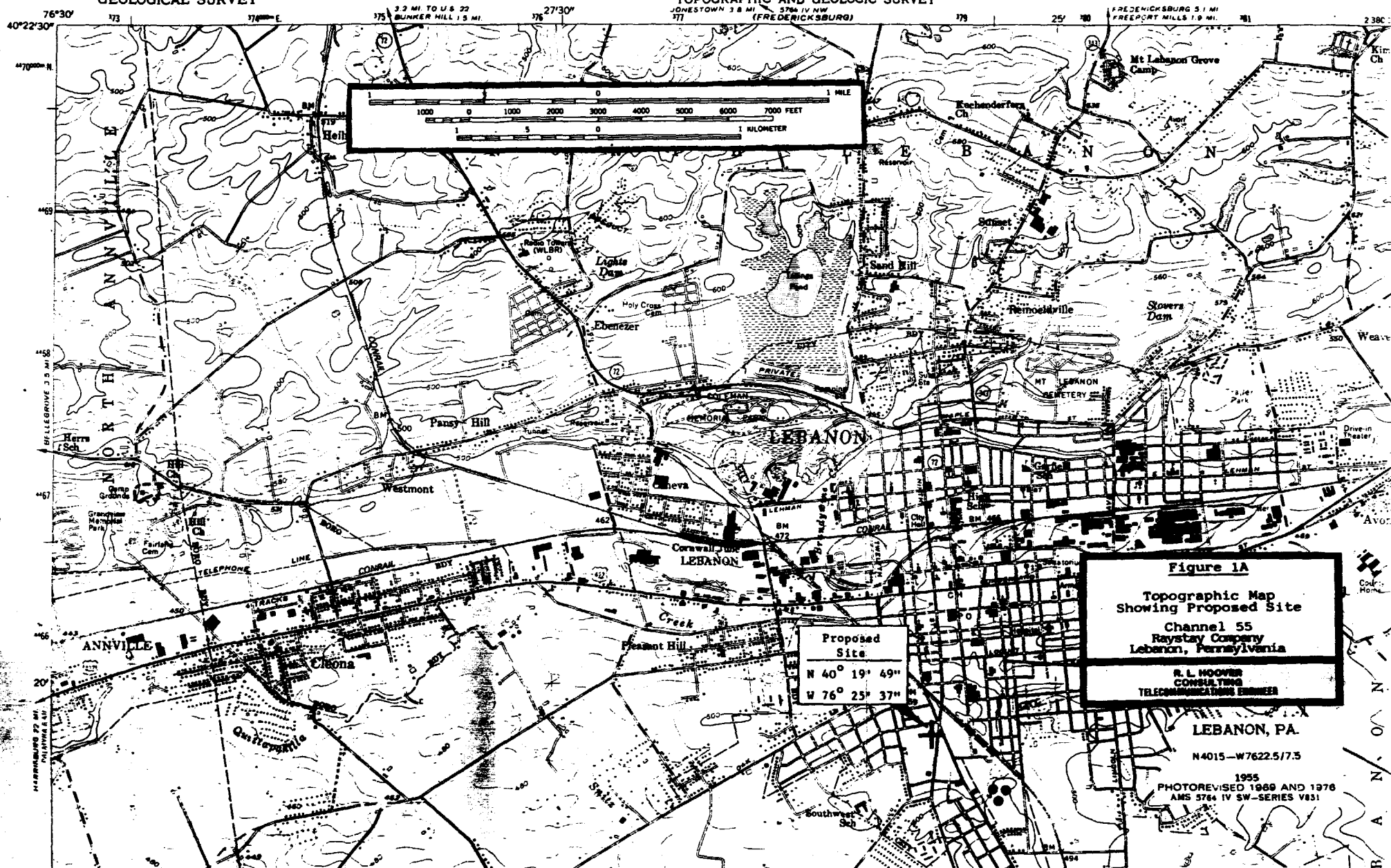
February 24th, 1989



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
TOPOGRAPHIC AND GEOLOGIC SURVEY

LEBANON QUADRANGLE  
PENNSYLVANIA—LEBANON CO.  
7.5 MINUTE SERIES (TOPOGRAPHIC)





ATTACHMENT 4

R-6-2x  
**COPY**

LAW OFFICES

**COHEN AND BERFIELD, P.C.**

BOARD OF TRADE BUILDING

1129 20TH STREET, N.W.

WASHINGTON, D.C. 20036

(202) 466-8565

TELECOPIER  
(202) 785-0934

LEWIS I. COHEN  
MORTON L. BERFIELD  
ROY W. BOYCE  
JOHN J. SCHAUBLE\*  
\*VIRGINIA BAR ONLY

July 6, 1989

**RECEIVED**

**JUL - 6 1989**

Federal Communications Commission  
Office of the Secretary

Ms. Donna R. Searcy, Secretary  
The Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C. 20554

Dear Ms. Searcy:

On behalf of Raystay Company, we are submitting in triplicate an amendment of its application for a construction permit for a new low power television station on Channel 38 at Lebanon, Pennsylvania (File No. BPTTL-890309TD. This amendment is tendered to meet Raystay's obligations under Section 1.65 of the Commission's rules.

Should there be any questions, kindly communicate directly with this office.

Very truly yours,

  
Morton L. Berfield

Enclosures

AMENDMENT

The application of Raystay Company for a construction permit for a new low power television station on Channel 38 at Lebanon, Pennsylvania (File No. BPTTL-890309TD) is now amended to report that on June 6, 1989, the Review Board released a Decision, FCC 89R-34 affirming the disqualification of Adwave Company under a misrepresentation/lack of candor issue. Board Member Blumenthal dissented. Adwave Company will seek reconsideration or Commission review of this ruling. As reported in Exhibit 3 of the application, George F. Gardner is President and sole stockholder and director of Adwave Company.

Raystay Company

By:

  
George F. Gardner  
President

Date:

July 5, 1989

K-6-22  
**COPY**

LAW OFFICES

**COHEN AND BERFIELD, P.C.**

BOARD OF TRADE BUILDING

1129 20TH STREET, N.W.

WASHINGTON, D.C. 20036

(202) 466-8565

LEWIS I. COHEN  
MORTON L. BERFIELD  
ROY W. BOYCE  
JOHN J. SCHAUBLE\*

\*VIRGINIA BAR ONLY

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TELECOPIER  
202-785-0934

**JUL - 6 1989**

Federal Communications Commission  
Office of the Secretary

July 6, 1989

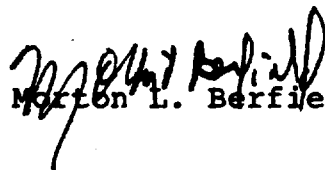
Ms. Donna R. Searcy, Secretary  
The Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C. 20554

Dear Ms. Searcy:

On behalf of Raystay Company, we are submitting in triplicate an amendment of its application for a construction permit for a new low power television station on Channel 31 at Lancaster, Pennsylvania (File No. BPTTL-890309NY. This amendment is tendered to meet Raystay's obligations under Section 1.65 of the Commission's rules.

Should there be any questions, kindly communicate directly with this office.

Very truly yours,

  
Morton L. Berfield

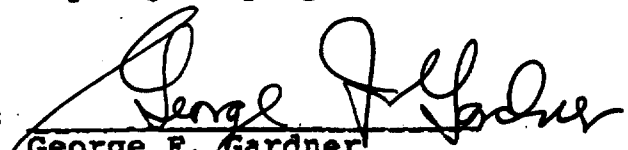
Enclosures

AMENDMENT

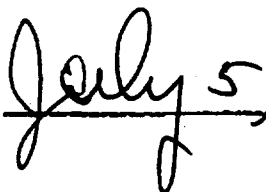
The application of Raystay Company for a construction permit for a new low power television station on Channel 31 at Lancaster, Pennsylvania (File No. BPTTL-890309NY) is now amended to report that on June 6, 1989, the Review Board released a Decision, FCC 89R-34 affirming the disqualification of Adwave Company under a misrepresentation/lack of candor issue. Board Member Blumenthal dissented. Adwave Company will seek reconsideration or Commission review of this ruling. As reported in Exhibit 3 of the application, George F. Gardner is President and sole stockholder and director of Adwave Company.

Raystay Company

By:

  
George F. Gardner  
President

Date:

  
July 5, 1989



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LAW OFFICES  
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BOARD OF TRADE BUILDING

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MORTON L. BERFIELD  
ROY W. BOYCE  
JOHN J. SCHAUBLE\*

\*VIRGINIA BAR ONLY

July 6, 1989

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JUL - 6 1989

Federal Communications Commission  
Office of the Secretary


Ms. Donna R. Searcy, Secretary  
The Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C. 20554

Dear Ms. Searcy:

On behalf of Raystay Company, we are submitting in triplicate an amendment of its application for a construction permit for a new low power television station on Channel 56 at Red Lion, Pennsylvania (File No. BPTTL-890309NX). This amendment is tendered to meet Raystay's obligations under Section 1.65 of the Commission's rules.

Should there be any questions, kindly communicate directly with this office.

Very truly yours,

  
Morton L. Berfield

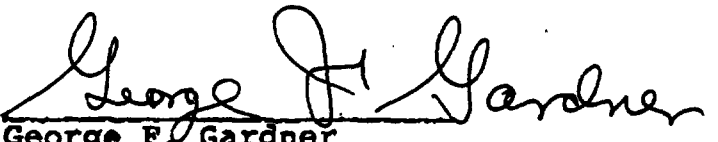
Enclosures

AMENDMENT

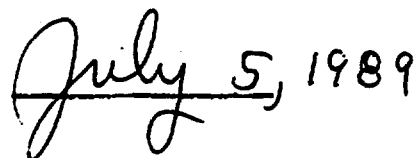
The application of Raystay Company for a construction permit for a new low power television station on Channel 56 at Red Lion, Pennsylvania (File No. BPTTL-890309NX) is now amended to report that on June 6, 1989, the Review Board released a Decision, FCC 89R-34 affirming the disqualification of Adwave Company under a misrepresentation/lack of candor issue. Board Member Blumenthal dissented. Adwave Company will seek reconsideration or Commission review of this ruling. As reported in Exhibit 3 of the application, George F. Gardner is President and sole stockholder and director of Adwave Company.

Raystay Company

By:

  
George F. Gardner  
President

Date:



R-6-2+

COPY

LAW OFFICES  
COHEN AND BERFIELD, P.C.

LEWIS I. COHEN  
MORTON L. BERFIELD  
ROY W. BOYCE  
JOHN J. SCHAUBLE\*

\*VIRGINIA BAR ONLY

BOARD OF TRADE BUILDING  
1129 20TH STREET, N.W.  
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(202) 785-0934

July 6, 1989

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JUL - 6 1989  
Federal Communications Commission  
Office of the Secretary

Ms. Donna R. Searcy, Secretary  
The Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C. 20554

Dear Ms. Searcy:

On behalf of Raystay Company, we are submitting in triplicate an amendment of its application for a construction permit for a new low power television station on Channel 23 at Lancaster, Pennsylvania (File No. BPTTL-890309PA. This amendment is tendered to meet Raystay's obligations under Section 1.65 of the Commission's rules.

Should there be any questions, kindly communicate directly with this office.

Very truly yours,

*Morton L. Berfield*  
Morton L. Berfield

Enclosures

AMENDMENT

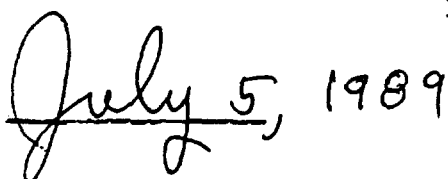
The application of Raystay Company for a construction permit for a new low power television station on Channel 23 at Lancaster, Pennsylvania (File No. BPTTL-890309PA) is now amended to report that on June 6, 1989, the Review Board released a Decision, FCC 89R-34 affirming the disqualification of Adwave Company under a misrepresentation/lack of candor issue. Board Member Blumenthal dissented. Adwave Company will seek reconsideration or Commission review of this ruling. As reported in Exhibit 3 of the application, George F. Gardner is President and sole stockholder and director of Adwave Company.

Raystay Company

By:

  
George R. Gardner  
President

Date:



R-6-24  
COPY

LAW OFFICES  
COHEN AND BERFIELD, P.C.

BOARD OF TRADE BUILDING

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MORTON L. BERFIELD  
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JOHN J. SCHAUBLE\*

\*VIRGINIA BAR ONLY

July 6, 1989

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JUL - 6 1989

Federal Communications Commission  
Office of the Secretary

Ms. Donna R. Searcy, Secretary  
The Federal Communications Commission  
1919 M. Street, N.W.  
Washington, D.C. 20554

Dear Ms. Searcy:

On behalf of Raystay Company, we are submitting in triplicate an amendment of its application for a construction permit for a new low power television station on Channel 55 at Lebanon, Pennsylvania (File No. BPTTL-890309NZ). This amendment is tendered to meet Raystay's obligations under Section 1.65 of the Commission's rules.

Should there be any questions, kindly communicate directly with this office.

Very truly yours,

  
Morton L. Berfield


Enclosures

AMENDMENT

The application of Raystay Company for a construction permit for a new low power television station on Channel 55 at Lebanon, Pennsylvania (File No. BPTTL-890309NZ) is now amended to report that on June 6, 1989, the Review Board released a Decision, FCC 89R-34 affirming the disqualification of Adwave Company under a misrepresentation/lack of candor issue. Board Member Blumenthal dissented. Adwave Company will seek reconsideration or Commission review of this ruling. As reported in Exhibit 3 of the application, George F. Gardner is President and sole stockholder and director of Adwave Company.

Raystay Company

By:

  
George F. Gardner  
President

Date:

July 5, 1989

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5

R-6-2x  
**COPY**

LAW OFFICES

**COHEN AND BERFIELD, P.C.**

BOARD OF TRADE BUILDING

1129 20TH STREET, N.W.

WASHINGTON, D.C. 20036

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LEWIS I. COHEN  
MORTON L. BERFIELD  
ROY W. BOYCE  
JOHN J. SCHAUBLE\*

TELECOPIER  
(202) 785-0934

\*VIRGINIA BAR ONLY

March 14, 1990

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

**RECEIVED**

**MAR 14 1990**

Federal Communications Commission  
Office of the Secretary

RE: BPTTL-890309TD Lebanon, PA

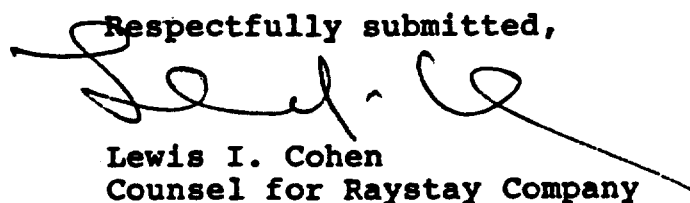
Dear Ms. Searcy:

On behalf of Raystay Company there is attached hereto declarations of George Gardner, Robert W. Chilton, Gilmore B. Seavers, Rev. Andrew J. Fontanella, Stanley T. Singer and Lincoln A. Warrell. These documents are submitted pursuant to the Commission's Memorandum Opinion and Order in RKO General, Inc. (WAXY-FM), MM Docket No. 84-1112, FCC 90-18 released February 2, 1990. At paragraph 21 the Commission stated "Accordingly, we will afford Gardner ..... the opportunity to submit a showing of good character in connection with any application for a new station." Mr. Gardner is the controlling stockholder of Raystay Company, which is the tentative selectee for five LPTV stations that are still pending:

BPTTL-890309NX	Red Lion, PA
BPTTL-890309NY	Lancaster, PA
BPTTL-890309NZ	Lebanon, PA
BPTTL-890309PA	Lancaster, PA
BPTTL-890309TD	Lebanon, PA

It is respectfully submitted that based upon the showing attached hereto, the Commission should grant these five LPTV applications.

Respectfully submitted,



Lewis I. Cohen  
Counsel for Raystay Company

Enclosures



### DECLARATION

George F. Gardner hereby declares under penalty of perjury that the following is true and correct to the best of his personal knowledge:

I am the sole stockholder, director and an officer of Adwave Company, which was an applicant for a new FM station at Fort Lauderdale, Florida (File No. BPH-830510AL; MM Docket No. 84-1113). The proceeding involving Adwave was resolved by settlement approved by the Commission in RKO General, Inc. (WAXY-FM), FCC 90-18, released February 2, 1990 (RKO). As reflected at para. 7 to 22 thereof, the effect of the settlement was to leave an unresolved character issue concerning Adwave. RKO also therein adopted procedures governing the consideration of the impact of that issue in connection with future broadcast applications in which I am involved.

I am also the controlling stockholder, an officer and a director of Raystay Company (Raystay). Raystay is the licensee of LPTV station W40AF, Dillsburg, Pa. and the tentative selectee for five LPTV stations that are still pending:

BPTTL-890309NX	Red Lion, PA
BPTTL-890309NY	Lancaster, PA
BPTTL-890309NZ	Lebanon, PA
BPTTL-890309PA	Lancaster, PA
BPTTL-890309TD	Lebanon, PA

See Report No. GL89-3, released June 16, 1989. This Declaration is designed to meet the first and third tests set forth in para. 21 of RKO in order to justify the grant of the five LPTV applications noted above. The second test (reputation in the community) will be met by Declarations of persons with knowledge of my reputation in the Carlisle, Pennsylvania community where I principally reside and conduct business.

Since the filing of the Adwave application in 1983, no allegations have been made of any significant broadcast-related misconduct by myself or any company in which I am involved, and I am aware of no such misconduct. As noted at para. 20 of RKO, I had a previously unblemished record of broadcast ownership, which is detailed at para. 42 of RKO General, Inc. (WAXY), 2 FCC Rcd 3348 (ID 1987).

The issue against Adwave involved a finding that I improperly proposed to divest other media interests in which I was involved. While I never intended to deceive the Commission, I now realize the importance of being absolutely candid in applications and statements made by me to the Commission, and have resolved to carefully review any such applications and statements to ensure that they fully and accurately disclose any pertinent facts. I would note in this respect that, prior to RKO, Exhibit 3 to each of the pending LPTV applications made full disclosure of the adverse Initial Decision against

Adwave, and the applications were amended on July 6, 1989 to report the Review Board's affirmance of the Initial Decision. These actions I believe reflect my desire to ensure that the LPTV staff be fully informed as to these pertinent facts.

I would accordingly urge that the circumstances warrant a conclusion that Raystay is qualified to be the licensee of the five LPTV stations at issue.

  
George F. Gardner

Date:  March 11, 1990

### DECLARATION

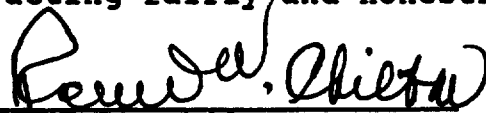
I, Robert W. Chilton, hereby declare under penalty of perjury that the following is true and correct based on my personal knowledge:

I have been informed that this Declaration will be submitted to the Federal Communications Commission as part of a showing by George Gardner of his good character.

I have been semi-retired for four years. Previously I was chairman for 15 years of Cutler-Federal, Inc., a manufacturing corporation.

I have had extensive contact with George in connection with community activities such as the Community Chest and the YMCA. I have also served as Chairman of the Board of Trustees of the Carlisle Hospital. George has been a faithful supporter of the hospital, both financially and in other meaningful ways.

Over the years George has become a very good friend of mine. I have had an extensive opportunity to observe George over a long period of time, and I can state with absolute certainty that he enjoys a reputation for good character in the Carlisle area. George is a very well known businessman, and he has a reputation in the business community for always acting fairly and honestly.

  
Robert W. Chilton  
1 West High Street  
Carlisle, PA 17013

Date: Mar. 6, 1990

### DECLARATION

I, Gilmore B. Seavers, hereby declare under penalty of perjury that the following is true and correct based on my personal knowledge:

I have been informed that this Declaration will be submitted to the Federal Communications Commission as part of a showing by George Gardner of his good character.

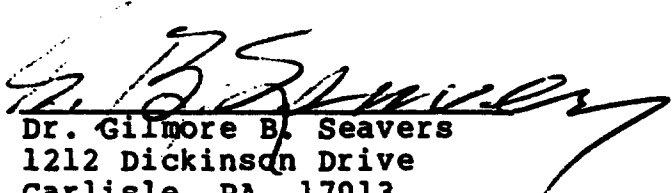
I am President Emeritus of Shippensburg State University. I was President from January 1970 to December 1980. I was an administrator of the Univeristy from 1957 to 1970.

In the early 1980's I became active in the Carlisle Kiwanis Club where I served on several communities. I had the opportunity during that period of service to get to know George very well as he was also active in the Carlisle Kiwanis Club. I have also been active in soliciting financial support for worthy organizations in the Carlisle area. These organizations include the Helen Stevens Community Mental Health Center, The Carlisle Area Opportunity Industrial Centers and The Cumberland Country Historical Society.

George always enthusiastically supported these organizations, both financially and with other assistance.

I have had an extensive opportunity to observe George in connection with the activities described above, and I can state with absolute certainty that he enjoys a

reputation for good character in the Carlisle area. George is a very well known businessman, and he has a reputation in the business community for always acting fairly and honestly.

  
Dr. Gilmore B. Seavers  
1212 Dickinson Drive  
Carlisle, PA 17013

Date:

3/5/90

**DECLARATION**

I, Reverend Andrew J. Fontanella, hereby declare under penalty of perjury that the following is true and correct based on my personal knowledge:

I have been informed that this Declaration will be submitted to the Federal Communications Commission as part of a showing by George Gardner of his good character.

Since 1975 I have been Pastor of the St. Patricks Church in Carlisle, Pennsylvania. George has been a very generous supporter of the parish including the school program and building program. George's family have been my parishioners. I have come to know George well, and I consider him a very close personal friend.

I have had an extensive opportunity to observe George over this long period of time, and I can state with absolute certainty that he enjoys a reputation for good character in the Carlisle area. George is a very well known businessman, and he has a reputation in the business community for always acting fairly and honestly.



Reverend Andrew J. Fontanella  
140 East Pomfret Street  
Carlisle, PA 17013

Date: 3/6/90

### DECLARATION

I, Stanley T. Singer, hereby declare under penalty of perjury that the following is true and correct based on my personal knowledge:

I have been informed that this Declaration will be submitted to the Federal Communications Commission as part of a showing by George Gardner of his good character.

I am the President of the Pennsylvania Cable Television Association. I have been the chief executive officer of the Association since 1981. I am responsible for the day to day operations of the Association. In carrying out my duties, I have come to know George Gardner very well. He is a Past President of the Association, a past board member and has served on many Association committees.

George lives in Carlisle which is about 15 miles from Harrisburg where I live and work. I am also a graduate of Dickenson College in Carlisle. I know many people both within and without the cable television industry in Carlisle. I have always heard from others and know personally that George enjoys a reputation for good character in the Carlisle area. George is a very well known businessman, and he has a reputation in the cable television industry in the Carlisle area for always acting fairly and honestly.



Stanley T. Singer  
119 Pine Street

Harrisburg, Pennsylvania 17101

Date: 7 Mar 90




### DECLARATION

I, Lincoln A. Warrell, hereby declare under penalty of perjury that the following is true and correct based on my personal knowledge:

I have been informed that this Declaration will be submitted to the Federal Communications Commission as part of a showing by George Gardner of his good character.

I have been a businessman and I have resided in the Carlisle, Pennsylvania area for approximately 25 years. I have been a neighbor and a friend of George Gardner for most of that period. My children and his children grew up together, and his family and my family participated in church activities at the same Catholic church in Carlisle. George and I have both been active in supporting community activities during the long period of time that we have been friends.

I have had an extensive opportunity to observe George over this long period of time, and I can state with absolute certainty that he enjoys a reputation for good character in the Carlisle area. George is a very well known businessman, and he has a reputation in the business community for always acting fairly and honestly.

  
Lincoln A. Warrell  
408 North Baltimore Ave.  
Mt. Holly Springs, PA 17065

Date: 2-27-90